

Remarks

Claims 1-13 are presented for reconsideration, with claims 1 and 13 being the independent claims. Claim 13 is sought to be added. No new matter has been entered by any amendments.

The Examiner is thanked for indicating claim 11 contained allowable subject matter.

Based on the above amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 4-10, and 12 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 06-215997 to Matsumoto (“Matsumoto”) in view of U.S. Patent No. 5,593,606 to Owen et al. (“Owen”). Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Matsumoto in view of Owen, and in further view of U.S. Patent No. 5,952,818 to Zhang et al. (“Zhang”). Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Matsumoto in view of Owen, and in further view of U.S. Patent No. 4,342,517 to Johnson et al. (“Johnson”). Applicant traverses these rejections.

Claim 1 recites features that distinguish over the applied references. For example, claim 1 recites a reticle is positioned along an axis of a light beam path between a source of a light beam and a first optical device and a variable wave plate is positioned along the axis next to the reticle and before the first optical device. For example, as seen in Figures 3-9 and related text in the instant specification, “an axis of a light beam path” can be defined as a straight line starting at a light source (e.g., 302, 402, 502, 602, 702, 802, or 902) and passing through a respective first optical system (e.g., 320, 420, LG1, LG4, or LG7), as recited in claim 1. This same axis passes through the reticle and variable wave plate between the light source and the first optical system.

The Examiner does not specifically discuss what he alleges in Matsumoto teaches or suggests the recited “axis” feature. Also, Applicant cannot find any teaching or suggestion in Matsumoto that meets the recited “axis” feature. In contrast to what is recited in claim 1, Matsumoto’s optical system includes a first axis between a light source 20 and a beam splitter 15 and a second axis between a reflection device 12 and a substrate 19, which second axis also passes through a reticle 14 and a quarter wave plate 16, but the second axis is perpendicular to the first axis.

Owen is not used by the Examiner to cure this deficiency in Matsumoto, nor does it cure this deficiency. Also, Applicant asserts any use by the Examiner to apply piecemeal parts of Owen’s optical system to Matsumoto’s optical system to cure this deficiency would destroy the teaching in Matsumoto by making the optical system unsatisfactory for its intended purpose and/or change the optical system’s principle of operation. See M.P.E.P § 2143.01(V) and (VI). Therefore, Matsumoto and Owen cannot be used by the Examiner to form a prima facie case of obviousness.

None of the other applied references, Zhang and Johnson, are used to teach or suggest this feature in claim 1, nor do they teach or suggest this feature. Thus, these other applied references fail to cure the deficiencies of Matsumoto and Owen, and cannot be used by the Examiner to form a prima facie case of obviousness.

Therefore, none of the applied references, either alone or in an alleged obvious combination, teach or suggest a reticle is positioned along an axis of a light beam path between a source of a light beam and a first optical device and a variable wave plate is positioned along the axis next to the reticle and before the first optical device, as recited in claim 1. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1. Also, at least based on their dependency to claim 1, claims 2-10 and 12 should be found allowable over the applied references.

New Claim 13

New claim 13 includes substantially similar subject matter as pending claim 1 and substantially similar subject matter as the allowable subject matter of pending claim 11, as well as all substantially similar subject matter as the subject matter found in pending claims 8 and 9. Accordingly, Applicant respectfully requests that the Examiner

find claim 13 allowable at least for the reasons indicated on pages 5 and 6 of the Office Action.

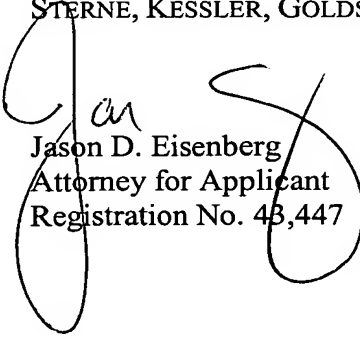
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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